

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 24, 2007. Claims 1-23 were pending in the Application. In the Office Action, Claims 1-23 were rejected. Claims 1-23 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

DECLARATION UNDER 37 C.F.R. § 1.131

In the Office Action, the Examiner indicates that the Declaration filed on February 6, 2007, was considered but deemed ineffective for overcoming a 35 U.S.C. § 102(e) rejection of Claims 1-12 and 14-23 of the present Application over U.S. Patent No. 6,865,680 issued to Wu et al. (hereinafter "*Wu*"). In particular, the Examiner asserts that the submitted declaration was ineffective because Applicant has not established facts sufficient to invoke M.P.E.P. § 715.04(D), and that the submitted declaration did not evidence testing of an actual reduction to practice sufficient to establish that the invention worked for its intended purpose. Applicant respectfully disagrees. Nonetheless, Applicant submits herewith the Declaration of inventor John Joseph Mazzitelli under 37 C.F.R. § 1.131, the exhibit of which (the invention disclosure form attached thereto as Exhibit A) evidences the conception and reduction to practice of the invention prior to the purported effective date of *Wu*. For example, Exhibit A of the Declaration includes an explanation of the subject matter of the claims of the present application (e.g., at least pages 3-5 (section A), page 5 (section B), and page 6 (section C)). Further, according to Exhibit A of the Declaration, the subject matter of the claims of the present application was reduced to practice prior to October 31, 2000, tested through a date preceding October 31, 2000, and then incorporated into a released product. For example, Exhibit A of the Declaration (specifically, on page 1 of Exhibit A) indicates that the subject matter of the present application was incorporated into the Hewlett-Packard product "Total-e-Mobile 1.0," and that the Total-e-Mobile 1.0 product was released on a date occurring on or before October 31, 2000. Accordingly, Applicant respectfully submits that *Wu* is unavailable as a prior art reference.

SECTION 102 REJECTIONS

Claims 1-12 and 14-23 were rejected under 35 U.S.C. 102(e) as being anticipated by *Wu*. Applicant respectfully traverses this rejection. As indicated above, *Wu* is not available as a prior art reference. Accordingly, Applicant respectfully requests that the rejection of Claims 1-12 and 14-23 be withdrawn.

SECTION 103 REJECTIONS

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Wu* in view of U.S. Patent No. 5,928,323 issued to Gosling et al. (hereinafter "*Gosling*"). Applicant respectfully traverses this rejection.

Claim 13 depends from independent Claim 8 which the Examiner rejected as being anticipated by *Wu*. At least because *Wu* fails to qualify as prior art against Claim 8, *Wu* also does not qualify as prior art against Claim 13 that depends therefrom. Accordingly, Applicant respectfully requests that the rejection of Claim 13 be withdrawn.

Further, *Gosling* does not appear to remedy the limitations of *Wu* apparently relied upon by the Examiner to reject Claim 13. Therefore, for at least this reason also, Applicant respectfully requests that the rejection of Claim 13 be withdrawn.

SECTION 1.105 REQUIREMENTS

A query has been made to the attorney(s) of record handling the prosecution of the present Application and the inventor/assignee of the present Application for references qualifying as prior art that could reasonably be used in a 35 U.S.C. § 102 or § 103 rejection pursuant to the requirements of 37 C.F.R. § 1.105, and nothing additional to what has been set forth in Applicant's specification is known or is readily available.

Additionally, the Examiner is specifically requesting copies of draft versions of an HTTP State Management Specification (WAP-223-HTTPS-20001213-a) the Examiner identifies as "WAP-223-HTTPSM-20000530-d" and "WAP-223-HTTPSM-20000922-d." A query was made to the inventor regarding such documents, and such documents are unknown to the inventor. A query was also made to the assignee of the present Application (Hewlett-Packard) regarding such documents. For example, a query for the requested documents was made to a Hewlett-Packard librarian and to various employees of Hewlett-Packard believed to have knowledge

and/or familiarity with the OMA/WAP forum. Further, the member sections of the WAP Forum and OMA websites were searched for the requested documents. Neither the requested documents nor any related dissemination or author information related to such documents could be located.


Applicant respectfully submits that Applicant has met the duty set forth in 37 C.F.R. § 1.56 and 37 C.F.R. § 1.105. Applicant has made a good faith effort to fully respond to such request for information to the extent such request was understood by Applicant.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully request reconsideration and full allowance of all pending claims.

A Petition for Extension of Time under 37 C.F.R. § 1.17 for a one (1) month extension is enclosed hereto. The Commissions is hereby authorized to charge the extension fee of \$120.00 to Deposit Account No. 08-2025 of Hewlett-Packard Company. If, however, Applicant has miscalculated the fee due with this response or overlooked the need for any other fee, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

By: 
James L. Baudino
Reg. No. 43,486

Date: September 21, 2007

Hewlett-Packard Company
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
Tel. 970-898-7917